

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
CommuniGroup of Jackson, Inc.)	
)	
Petition for Waiver of)	CC Docket 96-45
Sections 54.307(c) and 54.802(a) of the)	
Commission's Rules.)	
_____)	

PETITION FOR WAIVER

CommuniGroup of Jackson, Inc. ("CGI" or the "Company") pursuant to Section 1.3 of the Commission's rules, hereby requests a waiver of (1) the September 30, 2008 deadline set forth in Section 54.307(c) for the filing of quarterly line counts for purposes of receiving high cost support; and (2) the September 30, 2008 deadline established by Section 54.802(a) for the filing of quarterly line counts for purposes of receiving Interstate Access Support ("IAS"). As further discussed below, CGI is an eligible telecommunications carrier ("ETC") that serves rural customers in certain areas in Mississippi. CGI believes that good cause exists to grant the requested waiver due to loss of key personnel (the Company's Controller) and the overall restructuring and reassignment of accounting and regulatory reporting duties at CGI during 2008. Furthermore, CGI believes that the loss of its Controller during 2008 and the identification of certain procedural issues regarding the reassignment and restructuring of job responsibilities, are the key contributing causes to the Company's failure to submit its quarterly line count submission by the September 30, 2008 deadline to USAC and the FCC. Accordingly, the Company has revised or otherwise amended certain procedures regarding its regulatory reporting requirements to ensure compliance on a "go-forward" basis.

In support hereof, CGI states as follows:

I. BACKGROUND

CGI is a Mississippi corporation with a principal office located at 700 South West Street, Jackson, Mississippi 39205. CGI is a wholly owned subsidiary of Telephone Electronics Corporation ("TEC"). CGI provides resold and facilities-based local exchange and interexchange services throughout the state of Mississippi, and it is designated as an ETC in that state.

CGI understands its responsibility to familiarize itself with applicable regulations to ensure its overall compliance and timely filings of required quarterly and annual reports. As an ETC, CGI is also cognizant of its responsibility to file the required quarterly line counts for purposes of receiving high cost support and IAS by the deadlines set forth in Sections 54.307(c) and 54.802(a) of the Commission's rules. Specifically, quarterly line counts for high cost support are due by July 31st, September 30th, December 30th, and March 30th of each year, and quarterly line counts for IAS are due by the last business day of June, September, December, and March of each year. During 2008, the loss of the Company's Controller prompted the overall restructuring and reassignment of certain accounting and reporting responsibilities ((including all Universal Service Fund ("USF") compliance responsibilities)). Prior to such restructuring, CGI had timely filed all of its required USF reports, including its quarterly high cost line counts.

As previously noted, CGI missed the September 2008 deadline for filing its quarterly high cost and IAS line counts, but these reports were subsequently filed electronically with the Universal Service Administrative Company ("USAC") on October 16, 2008, when such matters were brought to the attention of CGI's management. However, it is the understanding of CGI that USAC will not accept the late September 30, 2008 line count information, absent a waiver from the FCC. Therefore, in order for CGI to receive high cost support and IAS for the periods covered by its September 30, 2008 quarterly report, a waiver of Sections 54.307(c) and 54.802(a) is required. As further discussed below, the Company believes that good cause exists that merits the waiver of the deadlines set forth in the Commission's rules to submit the quarterly line count information to USAC.

II. STANDARD FOR WAIVER

Generally, the Commission's rules may be waived only for good cause shown. The FCC may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity or more effective implementation of overall policy on an individual basis. Waiver of the Commission's rules is therefore appropriate if the requested relief would not undermine the policy objective of the rule in question, good cause or special circumstances warrant a deviation from the general rule, and that such deviation will serve the public interest.

III. DISCUSSION

A. Good Cause Exists for a Waiver of the Commissions Deadline to File Quarterly Line Counts

The Company believes that good cause exists for the Commission to grant the requested waiver. The Company's Controller, who was directly responsible for CGI's regulatory compliance, resigned in early 2008. As noted above, CGI subsequently underwent a significant restructuring and reassignment of accounting and reporting responsibilities during 2008, including the reassignment of compliance responsibilities for submitting CGI's USF filings.

The person to whom responsibility for completing the USF filings was transferred during 2008 was not designated to receive email notices directly from USAC through an inadvertent oversight during the transition process. As the result, the deadline for the submission passed without CGI filing its requisite information. Once the mistake was brought CGI's attention on October 16, 2008, the FCC Form 525 was immediately filed electronically.

As a result of the matters disclosed above, management of CGI reviewed its procedures and determined that the September 30th late filing could have been prevented if not for the fact that the notices were being sent to an invalid email account belonging to a former employee. To correct such internal procedure deficiencies, the Company has elected to establish a reporting

compliance email group to receive all correspondence to ensure that all future filings are done accurately and in a timely manner. This reporting group will provide for electronic notification between all responsible parties as to key dates and will afford opportunities for internal reviews of reported data to be completed by management prior to the required filing dates. Furthermore, the Company will work on documenting certain procedures during 2008-09 regarding regulatory reporting compliance to be utilized as a training tool, as well as to help with future restructurings or job reassignments.

The FCC has found good cause to exist in granting waivers of the line count filing deadlines to other ETCs experiencing similar circumstances as CGI, including situations whereby the deadline was missed as a result of a significant departmental reorganization which directly impacted the employees responsible for universal service filings. Moreover, the Company believes that the strict enforcement of the filing deadline requirement would disproportionately penalize CGI when considered in light of the impact on the consumers CGI serves and its actions to remedy its error. CGI filed its quarterly line count information as soon as the deficiency was brought to management's attention, and CGI has made and will continue to make certain revisions to its procedures to ensure that the required data will be submitted to USAC by the applicable deadline on a "going-forward" basis. Furthermore, the Company believes that its attempts to rectify its filing deficiency within one day of notification is indicative of its "good-faith" efforts to comply with the Commission's rules and to minimize any negative impact on USAC or other IAS funding recipients. Therefore, we appeal to the Commission to exercise its discretion to waive CGI's noncompliance and to rely upon the Company's "good-faith" commitment to revise certain internal procedures to ensure future filings will be accurately and timely submitted. This is the Company's first failure to meet such required filing deadlines and such strict adherence to the Commission's procedural rules would be inconsistent with the public interest of providing affordable telephone service.

B. Purpose of the Underlying Rule Would not be Undermined and Grant of the Waiver Would Serve the Public Interest

CGI understands the administrative purpose of the quarterly line count deadlines (as set forth in the Commission's rules) to ensure that such information is filed in a timely manner as well as to enable USAC to process the large volume of data it receives each year. The goal of universal service is to "ensure that consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high-cost areas, all have access to telecommunications and information services." However, deviation from such rigid filing deadlines is appropriate where extenuating circumstances exist that demonstrates good cause for the requested waiver. The Company believes that its current situation meets such threshold, as such strict enforcement of the filing deadlines would disproportionately punish CGI to the detriment of the rural customers that it serves.

The loss of funding would significantly impact the high-cost areas that CGI serves and undermine CGI's investments in its network, and adversely affect its ability to ensure that customers have and maintain access to high quality telecommunications service. Indeed, the public interest would be served by grant of the requested waiver because it would enable CGI to continue its efforts, uninterrupted; to maintain and promote access to advanced telecommunications services in such high cost areas.

The FCC has granted waivers to advance the public interest in situations similar to CGI's current position, and the requested waiver will not cause any hardship for USAC or other USF funding recipients as the amount of USF support received by CGI is very small compared to the overall size of the USF. Accordingly, the Commission's granting of CGI's Petition would enable the Company to continue to receive high cost support and IAS to further the goals of universal service, and serve the public interest.

IV: **CONCLUSION**

The Company believes that the matters outlined above constitute good cause and special circumstances warranting a waiver of the quarterly line count submission deadline outlined in Sections 54.307(c) and 54.802(a) of the Commission's rules. Furthermore, the public interest would be properly served by providing CGI with the necessary high cost and IAS support it needs in order to continue to make high quality telecommunications services available to its customers located in high-cost, insular, rural areas. Accordingly, CGI requests that its Petition for Waiver of Sections 54.307(c) and 54.802(a) be granted.

Respectfully submitted,



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Dated October 21, 2008